

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Ray Waldin et al.

Application No.: 10/682,644

Filed: October 8, 2003

For: Multi-Tiered Incremental Software
Updating

Confirmation No.: 8264

Group Art Unit: 2131

Examiner: not yet known

**SUPPLEMENTAL
INFORMATION DISCLOSURE
STATEMENT**

SONNENSCHN NATH & ROSENTHAL LLP
Customer No. 45969

M/S AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, addressed to: M/S Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 5/8/05.

SONNENSCHN NATH & ROSENTHAL LLP

Dated: 5/8/05 By: Michael C. Martensen
Michael C. Martensen

Sir:

Applicant(s) submit(s) herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which they are aware, which they believe(s) may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a) ☐ accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.
- (c) ☒ as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits, or before a first office action after filing a Request for Continued Examination under §1.114.
- (d) ☐ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is

known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.

- (e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and the Issue Fee has not been paid, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) is checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- (f) ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- (g) ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 (Modified) is supplied herewith, except as noted below.

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached form PTO-1449 (Modified) are not supplied because they are (a) either U.S. Patents and this an application filed after June 30, 2003, or (b) were previously cited by or submitted to the Office in a prior application no. _____, filed _____, and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

- (h) ☒ not given

Atty Docket No.: 44420423-8314

- (i) ☐ given for each listed item
- (j) ☐ given for only non-English language listed item(s) [Required]
- (k) ☐ is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.


In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement complies with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

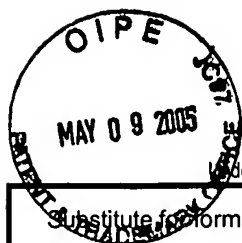
The Commissioner is hereby authorized to charge our Deposit Account No. 14-3140 for any fees required in connection with the filing of this Information Disclosure Statement. **A duplicate copy of this Notice is enclosed for this purpose.** In particular, in the event that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is authorized to charge the above-named deposit account for any fees required pursuant to CFR §§ 1.17(p) or 1.17(i)(1).

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

Dated: 5/3/05

By: 
Michael C. Martensen, Reg. No. 46,901
Attorneys for Applicant(s)
Attorney of Record



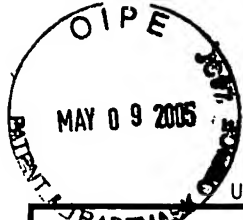
Substitute for Form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known	
		Application Number	10/682,644
		Filing Date	October 8, 2003
		First Named Inventor	Ray Waldin
		Group Art Unit	2131
		Examiner Name	Not yet known
Sheet 1 of 3	Attorney Docket Number	44420423-8297	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		4,962,532	10/9/1990	Kasiraj et al.	
		5,337,354	12/1/1994	Scannell et al.	
		5,508,817	4/16/1996	Kunigami	
		5,555,346	9/10/1996	Gross et al.	
		5,557,723	9/17/1996	Holt et al.	
		5,613,108	3/18/1997	Morikawa	
		5,619,648	4/8/1997	Canale et al.	
		5,694,616	12/2/1997	Johnson et al.	
		5,717,923	2/10/1998	Dedrick	
		5,774,552	6/30/1998	Grimmer	
		5,781,901	7/14/1998	Kuzma	
		5,794,210	8/11/1998	Goldhaber et al.	
		5,832,220	11/3/1998	Johson et al.	
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		5,933,811	8/3/1999	Angles et al.	
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		5,960,411	9/28/1999	Hartman et al.	
		5,999,967	12/7/1999	Sundsted	
		6,057,841	5/2/2000	ThurLOW et al.	
		6,073,142	6/1/2000	Geiger et al.	
		6,134,685	10/17/2000	Multerer et al.	
		6,138,146	10/24/2000	Moon et al.	
		6,145,079	11/7/2000	Mitty et al.	
		6,146,026	11/14/2000	Ushiku	
		6,147,977	11/14/2000	Thro et al.	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 2 of 3				Complete if Known	
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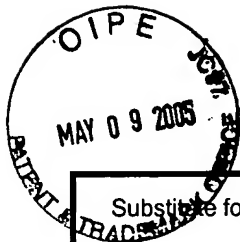
	6,161,130	12/12/2000	Horvitz et al.	
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	US 2001/0018739	8/30/2001	Anderson et al.	
	US 2002/0007400	1/7/2002	Pedersen	
	US 10/211,827	8/2/2002	Nachenberg	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 01/37123	5/25/2001	SuperSig.com Inc.		

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		First Named Inventor	Ray Waldin
		Group Art Unit	2131
		Examiner Name	Not yet known
		Attorney Docket Number	44420423-8297

OTHER ITEMS – NON PATENT LITERATURE DOCUMENTS			
Examine r Initials*	CiteNo. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		CRANOR, Faith, L., LaMacchia, Brian A., "Spam!" Communications of the ACM, Vol. 41, No. 8, pp. 74-83, August 1998.	
		KENEIPP, RAY, "Traffic Shaping [Online], May 14, 2001, [retrieved from the Internet on April 27, 2004] Retrieved from the Internet: <URL: Itworld.com - supersite manager - Traffic Shaping http://www.itworld.com/nl/sup_mgr/05142001/ >	
		ISP-Planet Staff, Slower Spam Would Annoy Spammers [Online] February 20, 2003, [retrieved from the Internet on April 22, 2005]. Retrieved from the Internet: <URL: ISP-Planet - Equipment - Slower Spam Would Annoy Spammers, http://www.isp-planet.com/equipment/2003/spamsquelcher.html >	
		WAGNER, MITCH, "Tool Users Network Analysis to Fight Spam" [Online] retrieved from the Internet on April 22, 2005] Retrieved from the Internet: <URL: Internet Week>E-mail>Tool Uses Network Analysis to Fight Spam> February 13, 2003, http://www.internetweek.com/story/showarticle.jhtml?articleID=6900032 >	
		PR Newswire, "Spam Squelcher Technology Cuts Costly Impact of Spam on Enterprises and ISPs," New Product from ePrivacy Group turns back Spam Attacks with False Positives, [Online] February 11, 2003, [Retrieved from the Internet on May 3, 2004]. Retrieved from the Internet:< URL: PR Newswire Spam Squelcher Technology Cuts Costly Impact of Spam on Enterprises and ISPs" http://www.findarticles.com/cf_dls/m4prn/2003_Feb_11/97463210/p1/article.jhtml >	

Examiner Signature	Date Considered
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